

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-CV-405-RJC-DCK**

**TOKIO MARINE & NICHIDO FIRE)
INSURANCE CO., LTD.,)
)
Plaintiff,)
)
v.)
)
TITAN TRANSPORT LLC,)
)
Defendant.)
_____)**

ORDER

THIS MATTER comes before the Court sua sponte. Local Rule 16.1(A) states that “[a]s soon as is practicable, and in any event not later than fourteen (14) days from joinder of the issues (as defined in Section (D) below), the parties or their counsel shall confer as provided by Fed. R. Civ. P. 26(f), and conduct an ‘Initial Attorney’s Conference’ (‘IAC’).” See also FED. R. Civ. P. 16(b), 26(f). Section (D) of Local Rule 16.1 defines “joinder of the issues” to include when “the final answer to a complaint” has been filed, “or the time for doing so has expired.” Defendant filed its Answer on August 24, 2011, (Doc. No. 6), and did not seek to amend that Answer. Accordingly, the parties were required to confer no later than September 7, 2011. LR16.1.

Pursuant to Local Rule 16.1(B), “[w]ithin seven (7) days of the IAC, the parties shall complete and file the Certification of Initial Attorney’s Conference (‘CIAC’), which shall include a proposed discovery plan.” The parties were therefore required to file a CIAC by September 14, 2011. LR 16.1(B).

The parties have not filed a CIAC with this Court. Plaintiff is hereby warned that if it

does not provide this Court with a CIAC within 14 days, this action will be dismissed for lack of prosecution. Federal Rule of Civil Procedure 41(b) provides as follows:

If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule--except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19--operates as an adjudication on the merits.

It is Plaintiff's burden to move this case forward, and Plaintiff will be required to take appropriate action within 14 days.

IT IS, THEREFORE, ORDERED that Plaintiff shall provide the court with a Certification of Initial Attorney's Conference within 14 days. **FAILURE TO RESPOND WITHIN 14 DAYS WILL RESULT IN DISMISSAL OF ALL CLAIMS AGAINST DEFENDANT.**

Signed: November 29, 2011

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

